

U. S. DISTRICT COURT
IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

southern District of Ga.
Filed in Office

11/7/20 D
Deputy Clerk

MICHAEL JERNARD SINGLETON,)
Petitioner,)
v.) CASE NOS. CV417-193
UNITED STATES OF AMERICA,) CR413-007
Respondent.)

)

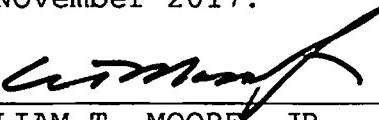
O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 2), to which objections have been filed (Doc. 5). After a careful de novo review of the record, the Court concludes that Petitioner's objections are without merit. Accordingly, the Report and Recommendation is **ADOPTED** as the Court's opinion in this case. As a result, Petitioner's 28 U.S.C. § 2255 petition is **DENIED**. In addition, Petitioner is not entitled to a Certificate of Appealability, rendering moot any request for in forma pauperis status on appeal. The Clerk of Court is **DIRECTED** to close this case.

In his objections, Petitioner advances the general argument that his § 2255 petition is timely because his conviction only becomes final when the Eleventh Circuit Court of Appeals issues its mandate disposing of the

appeal. (Doc. 5 at 2-3.) Petitioner contends that this never occurred because his trial counsel failed to file an appeal in the underlying criminal case. (*Id.* at 3-4.) However, the docket in Petitioner's criminal case clearly shows that trial counsel consulted Petitioner about Petitioner's right to appeal his conviction and sentence. (CR413-007, Doc. 507.) After being fully advised of his right to appeal, Petitioner elected not to file an appeal. (*Id.* at 4.) Accordingly, Petitioner's conviction became final on February 6, 2014 and his September 30, 2017 § 2255 petition is untimely.

SO ORDERED this 20th day of November 2017.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA